

REMARKS

Claims 1-5 are pending in the application. Claims 1-5 stand rejected. Claims 6 and 7 are added. Claims 1 and 4 are independent claims.

Claim 6 and 7 are added. The support can be found in the specification at page 7, line 21-23.

Claim 1 is amended to recite a feature originally contained in the original claim 2. Claim 4 is amended to further clarify the original claim 4.

No new matter has been added to claims 1-7.

Claims 1 and 4 stand rejected under 35 U.S.C §102(e) as allegedly being anticipated by Unitt *et al.* (U.S. Pub. 2005/0163149) (“Unitt”).

Claim 1 recites a Medium Access Control (“MAC”) control block comprising “a multipoint gating control block configured to receive transmission in progress state variables from the OMP blocks connected to their associated MAC clients, [and] to determine transmission states of the MAC clients with the received transmission in progress state variables.” Claim 4, a method claim, recites similar features.

According to the United States Court of Appeals for the Federal Circuit, a claim is anticipated only if a single prior art reference set forth each and every feature recited in a claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

In rejecting claim 1, the Patent Office indicates that the multipoint gating control block of claim 1 is set forth by the local control CPU disclosed in FIG. 11 of Unitt (the present Office Action, page 2). In addition, the Patent Office indicates that each OMP block of claim 1 is set forth by the MAC control layer 126 illustrated in FIG. 11 of Unitt (*id.*).

Unitt, as read by the Applicant, discloses a multiple access system for communications network where the network comprises a headstation; a plurality of outstations; a local control CPU; and a plurality of MAC control layer or medium access logic 126, where each MAC control layer is contained in each outstation (FIG. 1 and 11). However, nowhere in Unitt is there a disclosure that the local control CPU, which the Patent Office equates with the multipoint gating control block of claim 1, is configured to **receive the transmission in progress state variables** from the MAC control layer 126, which the Patent Office equates with the OMP blocks of claim 1 (see [0131]-[0134] and [143] (failing to disclose that the local CPU receives a signal indicating that a particular MAC Client is in the state of transmitting data)). In addition, nowhere in Unitt is there a disclosure that the local control CPU is configured to **determine the transmission states of the MAC clients** (see id.).

Unitt, on the contrary, discloses a network system containing a headstation that **schedules when and for how long a particular outstation is to transmit an upstream data** ([0010], [0029], [0039], [0040], [0041], [0044], [0045], [0047]-[0052], [0054], and [0090]). Thereafter, the headstation transmits a first command to the particular outstation directing the outstation when and for how long the outstation is to transmit the upstream signal, and transmits a second command to other outstations directing the outstations to pause upstream transmission (id.). Based on the first and second commands, the network system marshals the upstream signal (id.)

As such, Unitt **is not configured to receive the transmission in progress state variables from the OMP blocks or to determine the transmission in progress state of the MAC client**. It is simply a conventional EPON system that controls when and how long the MACs can transmit frames without introducing transmission_in_progress state variables (see page 3, line 17 – page 4, line 3 of the present application). As such, Unitt cannot possibly set

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forth or anticipates a MAC control block comprising "a multipoint gating control block configured to receive transmission in progress state variables from the OMP blocks connected to their associated MAC clients, [and] to determine transmission states of the MAC clients with the received transmission in progress state variables," as recited in claim 1, or a multipoint gating control method comprising similar features, as recited in claim 4.


The Applicant respectfully requests withdrawal of the rejection on each claim.

Other claims in this application are each dependent on the independent claims 1 and 4 and believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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